

### § 190.3

(b) This subpart defines certain terms and prescribes procedures that are applicable to each proceeding described in this part.

[45 FR 20413, Mar. 27, 1980, as amended by Amdt. 190-6, 61 FR 18512, Apr. 26, 1996; 70 FR 11137, Mar. 8, 2005]

EFFECTIVE DATE NOTE: At 78 FR 58908, Sept. 25, 2013, §190.1 (a) was amended by removing the phrase “49 U.S.C. 5101 *et seq.* (the hazardous material transportation laws)” and adding in its place “33 U.S.C. 1321 (the water pollution control laws)”, effective Oct. 25, 2013.

#### § 190.3 Definitions.

As used in this part:

*Administrator* means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

*Hearing* means an informal conference or a proceeding for oral presentation. Unless otherwise specifically prescribed in this part, the use of “hearing” is not intended to require a hearing on the record in accordance with section 554 of title 5, U.S.C.

*OPS* means the Office of Pipeline Safety, which is part of the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.

*Person* means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

*Presiding Official* means the person who conducts any hearing relating to civil penalty assessments, compliance orders or hazardous facility orders.

*Regional Director* means the head of any one of the Regional Offices of the Office of Pipeline Safety, or a designee appointed by the Regional Director. Regional Offices are located in Trenton, NJ (Eastern Region); Atlanta, Georgia (Southern Region); Kansas City, Missouri (Central Region); Houston, Texas (Southwest Region); and Lakewood, Colorado (Western Region).

*Respondent* means a person upon whom the OPS has served a notice of probable violation.

*PHMSA* means the Pipeline and Hazardous Materials Safety Administra-

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tion of the United States Department of Transportation.

*State* means a State of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

[Amdt. 190-6, 61 FR 18513, Apr. 26, 1996, as amended at 68 FR 11749, Mar. 12, 2003; 70 FR 11137, Mar. 8, 2005; Amdt. 190-15, 74 FR 62505, Nov. 30, 2009]

EFFECTIVE DATE NOTE: At 78 FR 58908, Sept. 25, 2013, §190.3 was amended by revising the definitions of “Presiding Official” and “Respondent” and adding new definitions for “Associate Administrator,” “Chief Counsel,” “Day,” and “Operator”, effective Oct. 25, 2013. For the convenience of the user, the added and revised text is set forth as follows:

#### § 190.3 Definitions.

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*Associate Administrator* means the Associate Administrator for Pipeline Safety, or his or her delegate.

*Chief Counsel* means the Chief Counsel of PHMSA.

*Day* means a 24-hour period ending at 11:59 p.m. Unless otherwise specified, a day refers to a calendar day.

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*Operator* means any owner or operator.

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*Presiding Official* means the person who conducts any hearing relating to civil penalty assessments, compliance orders, orders directing amendment, safety orders, or corrective action orders and who has the duties and powers set forth in §190.212.

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*Respondent* means a person upon whom OPS has served an enforcement action described in this part.

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#### § 190.5 Service.

(a) Each order, notice, or other document required to be served under this part shall be served personally, by registered or certified mail, overnight courier, or electronic transmission by facsimile or other electronic means that includes reliable acknowledgment of actual receipt.